

REMARKS

In the Office Action mailed June 8, 2007 the Examiner noted that claims 1-18 were pending and rejected claims 1-18. The Abstract and claims 1-18 have been amended, no claims have been canceled, claim 19 has been added; and, thus, in view of the foregoing, claims 1-19 are pending for reconsideration which is requested. No new matter has been added. The Examiner's objections and rejections are traversed below.

OBJECTION

On page 2, item 3, the Office Action objected to the Abstract as exceeding 150 words in length. The Abstract has been amended to comply with the 150 word limit.

On page 2, item 4, the Office Action objected to claim 4 as being grammatically incorrect. Claim 4 has been amended to address this objection. Therefore, it is respectfully submitted that amended claim 4 overcomes the objection.

On page 2, item 5, the Office Action objected to claims 1-7 and 9-11 because the terms were used inconsistently. Claims 2-7 and 9-11 have been amended to address this objection. Therefore, it is respectfully submitted that amended claims 1-7 and 9-11 overcome the objection.

Accordingly, Applicant respectfully requests withdrawal of all objections.

REJECTION

On page 3, item 6 of the Office Action, claims 15 and 16 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 15 and 16 have been amended to recite a "computer readable storage medium." Therefore, it is respectfully submitted that claims 15 and 16 satisfy the requirements of 35 U.S.C. § 101.

On page 3, item 7 of the Office Action, claims 1, 4, 5, 15, and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Masatoshi (Jap. Pub. No. 10-307776), an English translation of which was provided with the June 8, 2007 Office Action. All citations below are to the English translation of Masatoshi.

Masatoshi discusses a computer virus reception monitor device 5 located between a transmission side device 1 and a reception side device 2. The transmission side device 1 is connected to the monitor device via a communicated network 301 and connected just before the reception side device 2.

However, amended independent claim 1 recites

a virus spreading preventing unit that disables, when the virus detecting unit detects infected data, transmission of the data outside the hub unit to the communication devices directly connected to the hub unit, other than a communication device that transmitted the infected data

(claim 1, lines 17-20), which is supported by the embodiment of the invention on page 9 lines 10-18 of the Application.

It is respectfully submitted that Masatoshi does not teach or suggest the limitation recited on lines 17-20 of claim 1 as quoted above. Rather, Masatoshi describes that if communication data 10 is illegal data contaminated with a computer virus, the received data checking means included in the computer virus reception monitoring device 5 discards the communication data 10 (see Masatoshi, paragraph 12), where the received data checking means is part of the server associated with the receiving side, as shown in Fig. 4 of Masatoshi. Further, a communicating-with-receiving-side device means 9 included in the computer virus reception monitoring device 5 notifies the receiving-side device of the virus. Therefore, such a function is absolutely required for all of the reception-side communication devices to prevent the incoming of data infected with a virus.

Thus, it is respectfully submitted that claim 1 patentably distinguishes over Masatoshi. Further, claims 4 and 5 depend from independent claim 1 and inherit the patentable features thereof. Thus, it is respectfully submitted that claims 4 and 5 patentably distinguish over Masatoshi.

Claims 15 and 17 have been amended to recite

disabling, when the virus detecting unit detects infected data, transmission of the data outside the hub unit to the communication devices directly connected to the hub unit, other than a communication device that transmitted the infected data

(claim 15, lines 16-19 and claim 17, lines 3-6). Therefore, it is respectfully submitted that claims 15 and 17 patentably distinguish over Masatoshi for reasons similar to those discussed above with respect to claim 1.

On page 5, item 9 of the Office Action, claims 2, 3, 7-10, 12-14, 16, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Masatoshi in view of Libenzi (U.S. Patent No. 7,117,533) or alternatively in view of Kim (U.S. Patent No. 6,701,440).

Regarding the rejection of claim 2, the Office Action asserted that Kim discloses a memory unit that stores addresses of the plurality of the communication devices and registering a transmission address of a communication device that transmitted the infected data.

However, amended claim 2 recites “the virus spreading preventing unit **registers a transmission lower layer address** of a communication device that transmitted the data to the hub unit,” (claim 2, lines 24-26, emphasis is added) which is supported by the embodiment of the invention described on page 12, lines 4-6 of the Application.

Claims 2 and 3 depend from independent claim 1 and therefore inherit the patentable features thereof. Nothing was cited or found in Libenzi or Kim that cures the deficiencies of Masatoshi as set forth above with respect to claim 1. Therefore, it is respectfully submitted that claims 2 and 3 patentably distinguish over the combination of Masatoshi and Libenzi, or Kim.

Further, it is respectfully submitted that Kim does not teach or suggest “the virus spreading preventing unit **registers a transmission lower layer address** of a communication device that transmitted the data to the hub unit,” as recited in claim 2. Rather, Kim relates to a system protecting a computer using a remote e-mail scanning device. Specifically, Kim discloses a user setting a listing of sender addresses to be blocked which would block all e-mail messages from the blocked sender to be automatically deleted without being inspected for viruses or forwarded to the user. Stated another way, since the system handles email addresses of communication devices, data between the devices is transmitted in the upper layer.

Therefore, it is respectfully submitted that claim 2 patentably distinguishes over the combination of Masatoshi and Libenzi, and Kim.

Regarding the rejection of claim 7, amended claim 7 recites
disables, when the virus detecting unit detects infected data, transmission of the data to communication devices directly connected to the hub unit, other than a communication device that transmitted the infected data.

Therefore, it is respectfully submitted that claim 7 patentably distinguishes over Masatoshi for reasons similar to those discussed with respect to claim 1.

Claims 8-10, 12-14, 16 and 18 depend from independent claims 7, 15, and 17 and inherit the patentable features thereof. Therefore, claims 8-10, 12-14, 16, and 18 patentably distinguish over Masatoshi also. Nothing was cited or found in Libenzi or Kim that cures the deficiencies of Masatoshi as mentioned above. Therefore, it is respectfully submitted that claims 8-10, 12-14, 16 and 18 patentably distinguish over the combination of Masatoshi and Libenzi, and Kim.

On page 8, item 18 of the Office Action, claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Masatoshi in view of Togawa (U.S. Patent No. 6,240,530).

Claim 6 depends from independent claim 1 and inherits the patentable features thereof. Therefore, it is respectfully submitted that claim 6 patentably distinguishes over Masatoshi taken alone. Nothing was cited or found in Togawa that cures the deficiencies of Masatoshi with respect to claim 1. Thus, it is respectfully submitted that claim 6 patentably distinguishes over the combination of Masatoshi and Togawa.

On page 8, item 20 of the Office Action, claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Masatoshi, in view of Libenzi or Kim, and further in view of Togawa.

Claim 11 depends from independent claim 7 and inherits the patentable features thereof. Therefore, it is respectfully submitted that claim 11 patentably distinguishes over Masatoshi taken alone. Nothing was cited or found in Libenzi, Kim or Togawa that cures the deficiencies of Masatoshi with respect to claim 1. Thus, it is respectfully submitted that claim 11 patentably distinguishes over the combination of Masatoshi, Libenzi or Kim, and Togawa.

Accordingly, Applicant respectfully request withdrawal of all rejections.

NEW CLAIM

New claim 19 has been added to recite disabling transmission of virus infected data outside of a hub unit to communication devices when the hub unit determines the data received is infected with a virus based on the stored virus pattern information. For reasons similar to those mentioned above, the combination of references fail to teach or suggest all of the features of claim 19 and therefore claim 19 patentably distinguishes over the cited references.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/706,954

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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